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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
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C/O IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DR. SUITE 200			ART UNIT	PAPER NUMBER	
FALLS CHURCH, VA 22042-2924			1632		
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DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/053,753	LAU, LESTER		
Examiner	Art Unit		
Joseph T. Woitach	1632		

## The MAILING DATE of this communication appears on the cover sheet with the correspondence address =  ## THE REPLY FILED 10 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  ## The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affailwill, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:    3	Before the Filing of an Appeal Brief	Examiner	Art Unit	· · · · · · · · · · · · · · · · · · ·						
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how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 65-77.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  B. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  D. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).	8. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling									
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Continuation of 3. NOTE: The amendment to add the term 'isolated' raises issues of new matter, and consideration under 35 USC 112, second paragraph, regarding metes and bounds of isolated regarding the antibody itself, and consideration of art relative to isolating an antibody with a known activity present in any sample.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue that neither O'Brian nor Yang teach an isolated antibody, only one that is present as a polyclonal antibody in serum. It is noted that the amendments have not been entered, however to the extent it applies to the pending claims, it is noted that the serum that both O'Brian and Yang analyze and use in the cited references was 'isolated' from an animal. Applicants do not argue that the antibody composition of O'Brian and/or Yang do not contain the functional antibody as argued by Examiner, only that it is not isolated. Further, it is noted that given the breadth of the term isolated recognized in the art, it is unclear that this term alone would distinguish it from the antibody taught by the cited references.